IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

WP(C).No. 19714 of 2007(V)

AGAINST THE ORDER IN IA.291/07 IN
EOP.42/2005 of M.C.,PARAPPANANGADI

PETITIONER:

KIZHAKINIYAKATH, LIYAKKATHALI NAHA,
S/O.KUNHALIKUTTY NAHA, AGED 54, CHIRAMANGALAM,
NEDUVA AMSOM DESOM, THIRURANGADI TALUK,
MALAPPURAM DISTRICT.

BY ADV. SRI.HARISH R. MENON
SRI.K.T.SHYAMKUMAR

RESPONDENTS:

1. P.V.KUNHIMARAKKAR, S/O.KUNHAVARANKUTTY HAJI, AGED 46, RESIDING AT PATTASSERY VALKANDATHIL HOUSE, CHILRAMANGALAM, NEDUVA AMSOM DESOM, THIRURANGADI TALUK, MALAPPURAM DISTRICT.

2. URPPATTU JAFAR SADDIQUE, S/O.ABDUL KHADER, AGED 31, RESIDING AT URPPATTU HOUSE, P.O.ULLANAM NORTH, THIRURANGADI TALUK, MALAPPURAM DIST.

3. MUHAMMAD FIROZ, S/O.ABDURAHIMAN, AGED 28 RESIDING AT PARASSERY HOUSE, CHIRAMANGALAM, NEDUVA AMSOM DESOM, THIRURANGADI TALUK, MALAPPURAM DISTRICT.

4. THARAYIL SIVADASAN, S/O.KUTTAN, AGED 35, RESIDING AT THARAYIL HOUSE, CHIRAMANGALAM, NEDUVA AMSOM DESOM, THIRURANGADI TALUK, MALAPPURAM DISTRICT.

5. CHERKKOT HAMZA, S/O. MUHAMMED, AGED 35, RESIDING NEAR HEALTH CENTRE, P.O.CHETTIPADI, MALAPPURAM DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN,J

W.P.(C) NO.19714 of 2007

Dated this the 27th day of June, 2007

JUDGMENT

This writ petition is filed by the petitioner in I.A.291/2007 in O.P.42/2005 of the Munsiff's Court, Parappanangadi. The petition is one to call for several documents from different wards for which elections were held on the basis to prove that 20 persons had exercised double voting. If there is double voting, then naturally, the validity of the votes so polled will arise for consideration in an election petition. So, prima facie, in order to find out whether the names of the persons referred to are finding a place in the voter's list of different places, it is necessary to call for the voter's list of the wards with respect to which double voting is alleged. After satisfying with the identity of the persons and on prima facie satisfaction to the conscience of the court that there is likelihood of double voting, then the court can call for the balance documents including the secret ballots for

verification and disposal of the case. So over and above, the documents already ordered to be summoned, the court below is directed to summon the voter's list of 20 persons which according to the petitioners consists of the names in more than one ward. Thereafter on satisfaction of the identity of the persons, the court may call for the other relevant documents including the secret ballots for deciding the case.

The writ petition is disposed of.

M.N.KRISHNAN, JUDGE

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